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STATE DOCUMENTS
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VOTER INFORMATION FOR PROPOSED CONSTITUTIONAL AMENDMENTS

REFERENDUMS

INITIATIVES

General Election
November 2, 1976

Prepared by FRANK MURRAY, Secretary of State,
pursuant to Sections 23-2802 and 37-107,
Revised Codes of Montana

1976

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CONSTITUTIONAL AMENDMENT NO. 3

Attorney General's Explanatory Statement

This proposed amendment to the Montana Constitution would add a new section to the Article on Environment and Natural Resources. The amendment would create a trust fund which would be funded by one-fourth (1/4) of the money received from the coal severance tax. Beginning in 1980 one-half (1/2) of the coal severance tax would be used to fund the trust. Income and interest from the trust could be spent by a majority vote of the legislature. The principal of the trust, which the legislature has termed "permanent", could only be spent by a three-fourths (3/4) vote of the legislature.

The following is a copy of the title and text of the proposed Constitutional Amendment as passed by the second regular session of the Forty-fourth Montana Legislature and approved by W. Gordon McOmber, President of the Senate, and Pat McKittrick, Speaker of the House of Representatives on the 19th day of April, 1975.

CHAPTER NO. 499
MONTANA SESSION LAWS 1975
SENATE BILL NO. 407

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO THE CONSTITUTION TO REQUIRE THE LEGISLATURE TO DEDICATE A PORTION OF THE COAL SEVERANCE TAX TO A PERMANENT TRUST FUND.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Article IX of the Montana constitution is amended by adding a new section 5 that reads as follows:

Section 5. Severance tax on coal—trust fund. The legislature shall dedicate not less than one-fourth (1/4) of the coal severance tax to a trust fund, the interest and income from which may be appropriated. The principal of the trust shall forever remain inviolate unless appropriated by vote of three-fourths (3/4) of the members of each house of the legislature. After December 31, 1979, at least fifty percent (50%) of the severance tax shall be dedicated to the trust fund.

Section 2. When this amendment is submitted to the qualified electors of Montana, there shall be printed on the ballot the full title and section 1 of this act and the following words:

"☐ For a permanent trust fund from coal taxes.

☐ Against a permanent trust fund from coal taxes."

Comparison of Existing Constitutional Provision and Proposed Constitutional Amendment is as follows:

The following is a true and exact copy of the PROPOSED NEW SECTION 5 to Article IX of the Constitution of the State of Montana:	No existing section for comparison.
Section 5. Severance tax on coal-trust fund. The legislature shall dedicate not less than one-fourth (1/4) of the coal severance tax to a trust fund, the interest and income from which may be appropriated. The principal of the trust shall forever remain inviolate unless appropriated by vote of three-fourths (3/4) of the members of each house of the legislature. After December 31, 1979, at least fifty percent (50%) of the severance tax shall be dedicated to the trust fund.	

The form in which the question on amending the Constitution will be printed on the Official Ballot at the General Election, November 2, 1976, is as follows:

CONSTITUTIONAL AMENDMENT NO. 3

Attorney General's Explanatory Statement

This proposed amendment to the Montana Constitution would add a new section to the Article on Environment and Natural Resources. The amendment would create a trust fund which would be funded by one-fourth (1/4) of the money received from the coal severance tax. Beginning in 1980 one-half (1/2) of the coal severance tax would be used to fund the trust. Income and interest from the trust could be spent by a majority vote of the legislature. The principal of the trust, which the legislature has termed "permanent", could only be spent by a three-fourths (3/4) vote of the legislature.

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO THE CONSTITUTION TO REQUIRE THE LEGISLATURE TO DEDICATE A PORTION OF THE COAL SEVERANCE TAX TO A PERMANENT TRUST FUND.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Article IX of the Montana constitution is amended by adding a new section 5 that reads as follows:

Section 5. Severance tax on coal—trust fund. The legislature shall dedicate not less than one-fourth (1/4) of the coal severance tax to a trust fund, the interest and income from which may be appropriated. The principal of the trust shall forever remain inviolate unless appropriated by vote

of three-fourths (3/4) of the members of each house of the legislature. After December 31, 1979, at least fifty percent (50%) of the severance tax shall be dedicated to the trust fund.

☐ For a permanent trust fund from coal taxes.

☐ Against a permanent trust fund from coal taxes.

ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

Montana has estimated coal reserves of 108 billion tons-25% of the nation's coal supply and over 10% of the world's coal supply. Montana has 52% of the nation's low sulphur coal reserves. Because of the importance of coal, it is an extremely valuable resource both for the state of Montana and for the United States.

Coal is irreplaceable. What will we have to show for this valuable resource once it is all mined and gone? We once had fabulous copper reserves but now we have very little to show for our copper resource. We should not make this mistake again.

Another area of the country is known for its fabulous coal resources. This area is Appalachia. Appalachia is also known for the poverty of it's people. The Montana legislature was determined that the fabulous wealth underlying Eastern Montana should not be translated into poverty of Eastern Montanans and that the state of Montana should have something to show for this valuable resource once it is gone. Thus, they levied the highest coal tax in the nation on coal mined from strip mines in Montana.

Setting aside 25% (50% after 1980) of coal tax revenues in a permanent trust fund is a sound way to manage Montana coal revenues. We should not be short sighted and spend all our tax income as rapidly as we earn it.

Further, we become addicted to all coal monies in support of the states' day-to-day operations, our decision makers will be biased in favor of more and more coal mining. They will lack the independence they now enjoy to decide what is best for the people, the air, the water, and the land in the coal rich areas of the state. Then, too, if we are directly dependent upon all of the coal revenue to support our day-to-day expenditures we will be severely punished financially on the day when the coal no longer exists or has value.

The last session of the Montana legislature, by an overwhelming vote, has placed this proposition on the ballot. Legislators know how tempting it is to dip into the coal tax monies with this and that "worthy project" until in the distant future there is nothing to serve as a revenue generating investment base. The proposals for use of coal tax revenues have already started mounting and pressures will be placed on the next session of the legislature to carve out more and more of the tax revenues for all sorts of "worthy projects." By passing this amendment we will guarantee an endowment for the future and avoid temptations to spend it now.

This proposal is one of the most forward looking proposals ever presented to the people of this state. It will demonstrate to future generations of Montanans that we chose to share the riches of this state's non-renewable resource heritage with them.

S/ Thomas E. Towe
Chet Blaylock
John Driscoll

ARGUMENT ADVOCATING REJECTION OF THE MEASURE

The proposed constitutional amendment would set up another trust fund. Initially, at least 25% of the coal severance tax would be placed in the trust account. Commencing in 1980, this would increase to 50%. On the basis of the severance tax collected during three quarters of the 1975-76 fiscal year at the new tax rates, the total tax receipts for the year would have been $28 million. The tax receipt estimate for this tax by the State Revenue Department for the 1976-77 fiscal year is $38 million. It appears that by 1980 when the 50% provision would apply that the accumulation in the proposed trust fund would exceed $20 million a year. In a relatively short period of time the assets of the trust account would be in the hundreds of millions of dollars.

By necessity the State is in the investment business, investing surplus state funds, retirement funds, local government funds, and the like. It does not follow that it is good government to accumulate a vast amount of money in a trust account for investment purposes. Investment of funds should remain primarily within the private section of the economy. Although there are safeguards regulating investments being made by the State, there is no guarantee that political favoritism or mismanagement will not creep into the program.

There is an old adage that money corrupts. The proposed constitutional amendment requires three-fourths of the members of each house of the legislature to approve spending the principal of the trust. Even with this restriction, it is questionable that such vast accumulation of funds should be controlled by politicians. The larger the accumulation of trust funds, the greater the temptation will be for future legislators to spend the principal. In the opinion of some there have been times when past state legislatures have been self-serving. There is no reason to believe that such a situation will not exist in the future.

Finally, the people of this state approved a measure in 1974 providing for a constitutional amendment for a resource indemnity trust fund. This account is currently being funded by a 1/2 of 1% tax on the gross value of all minerals, including coal. That constitutional amendment provided that the assets of that trust up to $100 million is protected and cannot be spent by future legislatures. The proposed constitutional amendment would create a second trust fund proliferating constitutional provisions and administrative duties.

These are some of the reasons why the proposed amendment should not be adopted.

S/ Dan Yardley
Harold C. Nelson
Francis Bardanouve

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

The revenue from the coal severance tax is already being spent, with over 40% of the funds going to those local areas which have increased tax costs resulting from coal development. This money has been allotted to counties, towns and school districts which have had substantial increases in expenditures resulting directly or indirectly from the increased mining or use of coal. Ten percent of the revenue for four years will be used to improve the highways in the coal areas. In allocating these expenditures, the Legislature has attempted to use funds derived from coal to provide relief from the tax burden caused by the development of coal as a major source of energy.

Besides earmarking funds to the coal areas, the Legislature has further provided that 5% of the coal tax revenue is to be used to acquire parks and similar sites which will have a lasting value to the people of this state. Ten percent of the coal tax money is earmarked to the state fund for the

public school system. Additional small percentages of the coal tax revenue have been set aside for planning at the county level and also for research on other forms of energy.

By providing for a wide range of uses for the severance tax revenue, the Legislature has adequately provided for the use of the funds received from coal without setting up a multi-million dollar trust fund. Therefore, the proposed constitutional amendment is unnecessary at this time.

S/ Dan Yardley
Francis Bardanouve

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING REJECTION OF THE MEASURE

It is true that the proposed constitutional amendment would establish another trust but this is what is needed. If such a trust is not established, all the money that we derive from the taxes on coal will be gone when the coal is gone. The money from the coal tax should be handled with all future generations in mind, not just this one.

The opponents of the proposed trust admit that the state must invest funds now and that they are doing it well. To follow this with the assertion that the investment of funds should remain primarily within the private sector of the economy is not logical nor do they present any facts to prove the assertion.

The opponents state that having such a large trust would be a temptation and should not be available to politicians. The money from the coal tax will be available to the legislature under either system but without the establishment of the trust, legislature will be able to spend each year's income for whatever cause by a simple majority vote. With the trust, they can only dip into the principal if they can garner a 3/4 vote of each house of the legislature. Such a vote is extremely difficult to achieve without proving a compelling necessity.

The establishment of another trust with its administrative costs is a small price to pay to assure that future generations of Montanans receive their fair share of our black gold.

S/ Chet Blaylock
Thomas Towe
John Driscoll

CONSTITUTIONAL INITIATIVE AMENDMENT NO. 7

Attorney General's Explanatory Statement

This proposed amendment to the Montana Constitution would amend section 9 (Balanced Budget) of the Article on Revenue and Finance. The amendment would limit state spending to $375 million for each two year period until July 1, 1983. As a point of reference, the state spent a total of $1.1 billion in the current two year period, including expenditures of state tax monies, earmarked revenue funds, and federal funds. The amendment would also reduce the amount of federal funds the state may accept by 15% a year until July 1, 1984, after which time the state could not accept any federal funds.

The following is a copy of the text of the proposed Constitutional Amendment to Section 9, Article VIII of the Constitution of the State of Montana as it appears in the Official files of the Secretary of State:

THEREFORE, Be it enacted by the people of the State of Montana, being legal voters;

Article VIII Section 9 of the 1972 Constitution of the State of Montana is amended to read as follows:

Section 9, Balanced Budget,

(1) Appropriations by the legislature shall not exceed anticipated revenue.

[2] Appropriation may not exceed the sum of three hundred seventy-five million dollars [$375,000,000.00] for any biannum commencing prior to July 1, 1983.

[3] The legislature shall provide for a 15% annual phase out of all aid from the United States such that no federal revenue sharing programs or grant-in-aid from the United States shall be accepted after July 1, 1984

All provisions of this act shall supersede and take presidence over any previous act to the contrary. If any one or more articles, provisions, section, subsection, sentence, clause, phrase, or word of this act or the application thereof to any person or circumstance is found to be unconstitutional or invalid, the same is hereby declared to be severable and the balance of this part shall remain effective notwithstanding such unconstitutionality or invalidity. The people hereby declare that they would have passed this part, and each article, provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of this fact that any one or more article, provision, section, subsection, sentence, clause, phrase or word be declared unconstitutional or invalid.

Comparison of Existing Constitutional Provision and Proposed Constitutional Amendment is as follows:

The following is a true and exact copy of the PROPOSED AMENDMENT to Section 9, Article VIII of the Constitution of the State of Montana:

Section 9. Balanced Budget.

(1) Appropriations by the legislature shall not exceed anticipated revenue.

The following is a true and exact copy of Section 9, Article VIII of the Constitution of the State of Montana as it exists at the present time:

Section 9. Balanced budget. Appropriations by the legislature shall not exceed anticipated revenue.

(2) Appropriation may not exceed the sum of three hundred seventy-five million dollars ($375,000,000.00) for any biannum commencing prior to July 1, 1983.

(3) The legislature shall provide for a 15% annual phase out of all aid from the United States such that no federal revenue sharing programs or grant-in-aid from the United States shall be accepted after July 1, 1984.

The form in which the question on amending the Constitution will be printed on the Official Ballot at the General Election, November 2, 1976, is as follows:

PROPOSED PETITION FOR INITIATIVE

CONSTITUTIONAL INITIATIVE AMENDMENT NO. 7

Attorney General's Explanatory Statement

This proposed amendment to the Montana Constitution would amend section 9 (Balanced Budget) of the Article on Revenue and Finance. The amendment would limit state spending to $375 million for each two year period until July 1, 1983. As a point of reference, the state spent a total of $1.1 billion in the current two year period, including expenditures of state tax monies, earmarked revenue funds, and federal funds. The amendment would also reduce the amount of federal funds the state may accept by 15% a year until July 1, 1984, after which time the state could not accept any federal funds.

Be it enacted by the people of the State of Montana, being legal voters:

Article VIII Section 9 of the 1972 Constitution of the State of Montana is amended to read as follows:

Section 9, Balanced Budget,

(1) Appropriations by the legislature shall not exceed anticipated revenue.

[2] Appropriation may not exceed the sum of three hundred seventy-five million dollars [$375,000,000.00] for any biannum commencing prior to July 1, 1983.

[3] The legislature shall provide for a 15% annual phase out of all aid from the United States such that no federal revenue sharing programs or grant-in-aid from the United States shall be accepted after July 1, 1984

☐ For a $375 million limitation on state spending and a phase out of federal funds.

☐ Against a $375 million limitation on state spending and a phase out of federal funds.

ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

(NO ARGUMENT SUBMITTED BY DEADLINE DATE)

ARGUMENT ADVOCATING REJECTION OF THE MEASURE

Higher taxes, poor schools, and bad roads. These are all likely effects of this amendment.

Basically, the amendment does two things. First, it puts a flat $375 million limit on spending by the Montana Legislature each session until 1983. Second, it "phases out" all federal funding to Montana, so that by 1984 no federal money at all can be received. Taken together, these two limitations would be disasterous for Montana.

The $375 million limit is already in dispute. By comparison, the Legislature spent about $1.1 billion during the past two years. The drafters of the amendment have said that they didn't intend to limit all spending, just spending out of the general fund. The Attorney General has said that the language limits all spending. Then there's "biannum"; the word, if it is one, is not in the dictionary. A voter can't know for sure what the amendment means until a final decision is made by the courts.

Consider the "phase out" of federal funds. Next fiscal year, the state and local governments and school districts will receive over $260 million from the federal government, and this amount is sure to be greater by 1984. Under this amendment, all of that money—which is our money, collected by the federal government from taxes paid by Montanans—would have to be turned away, to be used in other states. Meanwhile, local taxes would have to be increased to make up for those lost dollars.

What's this money used for? Often for things we don't think of as coming from federal money. Like highways. Not just interstate highways, but a whole range of state, county and city roads. In 1977, we're scheduled to receive about $71 million, over two-thirds of the Highway Department's budget, from federal money. Without that money, we couldn't afford to keep up the roads and streets we now have, let alone build new ones.

The money goes to schools. The projected figure for 1977 comes to over $34 million. The money helps to pay for the basic cost of running the school systems and also supports programs like the school lunch program, education for the handicapped, and vocational education.

Look at some of the other figures for 1977: $26 million for job training and employment opportunities. $7 million for law enforcement. $5 million for recreation and wildlife programs. $23 million for the Medicaid program. And millions more for programs ranging from public assistance to programs for the aged to sewer system construction.

If this amendment passes, all of these programs would have to be chopped or local taxes increased to pick up the difference. Not just a small increase. There are no firm figures right now, but it appears that in some localities in Montana, property taxes would have to be doubled or tripled just to support the school system. Local sales taxes, increased income taxes, even a return of the poll tax could well become necessary, just to support a "bare bones" government.

S/ Francis Bardanouve
Robert C. Kuchenbrod
D. Robert Lohn
Marjorie Matheson
Peter M. (Mike) Meloy

ARGUMENT REBUTTING THE ARGUMENT
ADVOCATING APPROVAL OF THE MEASURE

(NO REBUTTAL ARGUMENT REQUIRED)

ARGUMENT REBUTTING THE ARGUMENT
ADVOCATING REJECTION OF THE MEASURE

(NO REBUTTAL ARGUMENT REQUIRED)

REFERENDUM NO. 70

Secretary of State's Explanatory Statement

Referendum No. 70 was introduced as House Bill No. 55 in the regular session of the 44th Legislature of the State of Montana. H. B. 55 passed the House of Representatives by a vote of 74 for and 21 against with 5 members excused. The Senate vote was 45 to 4 in favor of the bill with 1 member excused. House Bill No. 55 was approved by the Governor on April 14, 1975.

Attorney General's Explanatory Statement

The 1975 Legislature passed a bill providing for a program to develop and strengthen local public libraries in Montana. The Legislature further provided that the funding for this program would be put to a popular vote at this election. The proposed program would be administered by the Montana library commission, which would distribute the funds through public library federations. The funds involved would be derived from a one (1) mill levy on all taxable property in the state for the next ten (10) years, if the levy is approved by the electorate at this election.

The following is a copy of the title and text of the proposed Referendum as passed by the Forty-fourth session of the Montana Legislature and approved by the Governor on April 14, 1975 as it appears in the 1975 Montana Session Laws:

CHAPTER 416
MONTANA SESSION LAWS 1975

AN ACT TO PROVIDE FOR A POPULAR VOTE ON THE QUESTION OF STATE FUNDING TO PUBLIC LIBRARY FEDERATIONS WITH A ONE(1) MILL LEVY ON ALL TAXABLE PROPERTY; AUTHORIZING THE STATE LIBRARY COMMISSION TO DISTRIBUTE GRANTS TO PUBLIC LIBRARY FEDERATIONS; DEFINING GRANT PROGRAMS; AMENDING SECTION 84-3804, R.C.M. 1947.

Be it enacted by the Legislature of the State of Montana:

Section 1. There is a new R.C.M. section numbered 44-304 that reads as follows:

44-304. Purpose. It is the purpose of this act to establish a program whereby state funds appropriated to the Montana state library commission may be allocated among three different grant programs. Such program of state funding is intended to provide the benefits of quality public library service to all residents of Montana by developing and strengthening local public libraries through library federations as defined in section 44-212.

Section 2. There is a new R.C.M. section numbered 44-305 that reads as follows:

44-305. Administration by Montana state library commission. The Montana state library commission shall receive and administer the appropriation for state funding to public library federations. The commission shall allocate such appropriation to three types of grant programs according to section 44-307 and shall make grants to duly constituted library federations according to program applications submitted to and approved by the commission. Federations receiving grant monies shall report semiannually to the commission concerning the progress of the various projects for which state funding grants have been received, which report shall contain an accounting for all grant funds received.

Section 3. There is a new R.C.M. section numbered 44-306 that reads as follows:

44-306. Definitions of grant programs. (1) Basic grant defined: Basic grants are annual grants given to all federation headquarters libraries for the purpose of improving public library services within the federation and enabling public libraries within the federation to achieve and maintain the Montana public library standards as adopted and amended from time to time by the Montana state library commission.

(2) Establishment grant defined: Establishment grants are grants to federation headquarters libraries in order to provide basic library service to governmental units participating in library federations for the first time. The local governmental unit must contract with the headquarters library for federation services according to the provisions of section 44-213, and must contribute to the costs of providing such services. All funds will be administered by the federation headquarters library.

(3) Special project grant defined: Special project grants are grants to federation headquarters libraries to implement services not provided for in basic grants or to provide construction funds or remodelling funds. Grants for construction or remodelling must be equally matched by local funds; grants for services may fund the full cost of such services.

Section 4. There is a new R.C.M. section numbered 44-307 that reads as follows:

44-307. Allocation of funds by grant program. The Montana state library commission shall allocate state funding appropriations among three grant programs on the following basis: sixty percent (60%) of each annual appropriation shall be allocated to the basic grant program; thirty percent (30%) of each annual appropriation shall be allocated to the establishment grant program; and ten percent (10%) of each annual appropriation shall be allocated to the special project grant program.

Section 5. There is a new R.C.M. section numbered 44-308 that reads as follows:

44-308. Formulae for distribution of grants. (1) The formula for distribution of basic grants among federations will be determined by multiplying population times area times percentage of local support. The population figure shall be the population of the area served by the federation as of the latest published federal census. The area figure shall be the number of square miles of the area served by the federation. The local support figure shall be the average of the percentage of the maximum allowable mill levy for public library services of each governmental unit participating in the federation actually expended for public library purposes by each such governmental unit from all sources. In computing the percentage of local support the amount actually expended for public library services shall not include building construction and remodeling funds, but it shall include federal or state revenue sharing monies, all purpose levies, library fund levies, local general fund monies, in-kind services, or any other local public monies expended for public library services. In computing the percentage of local support for a federation no participating governmental unit

shall be included at more than one hundred percent (100%) of local support, and in computing the basic grant no federation as a whole shall be included at more than one hundred percent (100%) of local support.

Applications for basic grants for the following fiscal year must be submitted to the Montana state library commission by April 30 preceding the fiscal year.

(2) Establishment grants may be applied for any time during the biennium until January 1 of the last year of the biennium. Any funds not granted by January 1 of the last year of the biennium will be allocated to special project grants and distributed by the Montana state library commission according to the special project grant plans approved.

(3) Applications and plans for special project grants shall be submitted no later than March 1 of the second year of the biennium. Any moneys not granted by April 1 of the second year of the biennium will be allocated to the basic grant fund and distributed according to the basic grant formula for the following fiscal year.

Section 6. Section 84-3804, R.C.M. 1947, is amended to read as follows:

"84-3804. Increase of state tax levy—support units of university—library systems. (1) Upon the approval of the electors of this state, to be determined by their vote at the general election to be held in November of 1968, the legislative assembly shall levy a property tax of not more than six (6) mills on the taxable value of all real and personal property each year for ten (10) years beginning with the year 1969. All revenue from this property tax levy shall be appropriated for the support, maintenance, and improvement of the Montana university system.

[2] Upon approval of the electors of this state to be determined by their vote at the general election to be held in November, 1976, the legislature shall levy a property tax of not more than one [1] mill on the taxable value of all real and personal property each year for ten [10] years beginning with the year 1977. All revenue from this property tax levy shall be appropriated to the state library commission for the support of public library federations."

The manner in which thc measure will be printed on the Official Ballot at the General Election, November 2, 1976, is as follows:

REFERENDUM NO. 70

Secretary of State's Explanatory Statement

Referendum No. 70 was introduced as House Bill No. 55 in the regular session of the 44th Legislature of the State of Montana. H. B. 55 passed the House of Representatives by a vote of 74 for and 21 against with 5 members excused. The Senate vote was 45 to 4 in favor of the bill with 1 member excused. House Bill No. 55 was approved by the Governor on April 14, 1975.

Attorney General's Explanatory Statement

The 1975 Legislature passed a bill providing for a program to develop and strengthen local public libraries in Montana. The Legislature further provided that the funding for this program would be put to a popular vote at this election. The proposed program would be administered by the Montana library commission, which would distribute the funds through public library federations. The funds involved would be derived from a one (1) mill levy on all taxable property in the state for the next ten (10) years, if the levy is approved by the electorate at this election.

AN ACT TO PROVIDE FOR A POPULAR VOTE ON THE QUESTION OF STATE FUNDING TO PUBLIC LIBRARY FEDERATIONS WITH A ONE (1) MILL LEVY ON ALL TAXABLE PROPERTY; AUTHORIZING THE STATE LIBRARY COMMISSION TO DISTRIBUTE GRANTS TO PUBLIC LIBRARY FEDERATIONS; DEFINING GRANT PROGRAMS; AMENDING SECTION 84-3804, R.C.M. 1947.

☐ For appropriating a one (1) mill levy to fund public library federations.

☐ Against appropriating a one (1) mill levy to fund public library federations.

ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

Referendum 70, HB 55, passed by the 1975 Montana Legislature, provides the following:

State funding to public library federations with not more than a one-mill levy on all taxable property; authorizing Montana State Library Commission to distribute grants to public library federations.

Provision for State Library Commission to receive and allocate money to federation headquarters for three grant programs:

Basic grants to improve public library services within federation and enable public libraries within the federation to achieve and maintain Montana public library standards.

Establishment grants to improve basic library service to government units participating in library federations for the first time. Local governmental unit must contract with headquarters library for federation services.

Special project grants to implement services not provided for in basic grants or to provide construction or remodeling funds. Remodeling or construction grants must be matched by local funds.

Commission shall allocate state funding appropriations among the three grant programs as follows: 60 percent of each annual appropriation to basic grant program, 30 percent of each annual appropriation to establishment grant program, and 10 percent of each annual appropriation to special grant program.

The formula for distribution of grants will be determined by multiplying population times area, times percentage of local support.

There will be a federation advisory board composed of representatives of each participating entity to recommend policy, operation of federations and expenditure of funds.

State funding would:

Promote equalized financial support for library services in all areas of the state through public library federations;

Provide encouragement to local libraries to share resources by joining library federations;

Provide the necessary funds to create an adequate pool of library resources, books, and materials available to users of every library participating in a federation;

Provide improved interlibrary loan and reference services to users of every library participating in a federation.

State funding would be available to library federations because the 1974 Montana Legislature authorized library federations, stating: "It is the policy of the legislature to encourage the most efficient delivery of library services to the people of Montana. To that end, the state should be divided into regions within which libraries desiring to participate in the distribution of such state - funding to libraries as may be available from time to time shall organize into library federations to pool resources and information and avoid duplication of effort."

The federation provides resources for improved services but the local library retains it autonomy, initiative and pride of local control and ownership.

Montana is one of 12 states that does not provide state funding for local public libraries

S/ Jack Gunderson
Margaret S. Warden
William P. Conklin

ARGUMENT ADVOCATING REJECTION OF THE MEASURE

I. Monopoly of funds

Referendum No. 70 proposes a distribution of up to a million and a half dollars a year to libraries according to several hazy and complicated formulas. One provision which is not hazy, however, is the hierarchy of controls which would be imposed on traditionally independent libraries. The state library commission would control the flow of all funds to about six federation headquarters libraries across the state, and the state commission can change the headquarters designation from one library to another whenever it wishes. The headquarters library then channels its share of the money to the other libraries in its region as it sees fit to fund their requests. The potential for arbitrary exercises of power exists on two levels.

II. Libraries coerced into federations

The proposal would coerce individual libraries into joining regional library federations. The existing federations have not attracted every library or county into their organizations. But a library which has chosen not to join a federation yet would be pressured to participate since the alternative would mean a flow of property tax revenue out of its community with nothing received in return.

III. Bureaucratic expansion

Federations could become regional bureaucracies under the proposal, with staffs busily regulating the librarians who actually serve the people. The need for another level of bureaucracy between the state level and the local government level is not apparent; neither is the way the growth tendencies of such bureaucracies could be controlled. In fact, federation growth is inevitable since every increase in total taxable valuation will automatically cause more dollars to flow into this program.

IV. No legislative or local review

For the next 10 years, this program would roll on down the tracks, with neither the legislature nor the elected local governments able to affect its course. Public agencies generally must justify their past spending and proposed budgets every other year if they come to the legislature for state money, or every year if they come to local governments for a share of the mill levy. The library federations would be exempted from this periodic review and control, and no compelling reason has been shown for such an exemption.

S/ Elmer Flynn
J. D. Lynch
Wallace W. Mercer

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

Federation Advisory Boards Have No Powers

The proponents state that each federation of libraries has an advisory board of representatives from each participating library or local government, which can *recommend* on policies and grants. To recommend is not to have the final say; this power is vested in the one library designated as the federation headquarters. Our fear of the possible arbitrary use of power at the headquarters level remains.

Local Autonomy Would Be A Hollow Shell

The proponents argue that the local library retains its autonomy, initiative, and pride of local control and ownership. The whole history of financial aid from a higher level of government to a lower one shows that control of the purse strings leads to control of the entire apparatus. The local library may retain the appearance of independence, but effective control will pass to the headquarters.

Issue Is Not Whether But How To Help Libraries

The proponents close by saying Montana is one of 12 states which do not provide state assistance for local libraries. There are surely other ways to aid libraries besides going through all powerful federations, however. A vote against Referendum 70 does not have to be a rejection of the concept of state aid, with proper safeguards and limitations. The 1977 legislature can rework the laws governing powers of the federations and the state library commission and develop a workable program for state aid.

S/Elmer Flynn
J. D. Lynch
Wallace W. "Wally" Mercer

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING REJECTION OF THE MEASURE

Library federations are the result of voluntary contracts negotiated between local entities and a headquarters library. During the past 20 years the number of counties sharing library resources through federations has risen from 2 to 24. This result has been produced by direct support by the state library commission to all libraries involved, not just headquarters libraries, using federal tax funds for books, bookmobiles, wages and buildings. State funding will only carry on that program. No local library has ever felt coerced to join a federation, though tax funds always provided the incentive. If the state library commission and headquarters libraries had been arbitrary with those funds, no such progress would have occurred. To suggest that they will now be arbitrary is a transparent attempt to discredit a beneficial program.

The opposition statement is misleading and lacks credibility because it contains serious factual errors. The true facts follow:

Library boards will retain and control local revenues and libraries;

Change of headquarters libraries can be prevented if unreasonable or arbitrary;

Federation advisory boards, required by law, insure that headquarters libraries don't dictate federation grant applications;

Federations are not empowered by law to regulate any library or librarian;

Federations are not empowered by law to hire staff - only local library boards can; therefore, another level of bureaucracy is impossible and untrue;

The budget and program will be subject to review at each legislative session because under Referendum 70 the legislature has discretion to levy less than one mill, if not justified.

S/ Jack Gunderson
Margaret S. Warden
William P. Conklin

INITIATIVE NO. 71

Attorney General's Explanatory Statement

This Act would amend the Montana Major Facilities Siting Act by banning nuclear power plants in Montana until Congress removes federal liability limits. If this action takes place then further conditions must be met, or the ban of nuclear facilities would remain in effect. Such conditions include the comprehensive testing of substantially similar physical nuclear systems in actual operation and technical findings by the Legislature and the Board of Natural Resources that there is no reasonable chance of radioactive materials being released into the environment because of imperfect storage, earthquakes, acts of God, sabotage, act of war, theft, etc.

The following is a copy of the title and text of the proposed Initiative as it appears in the Official files of the Secretary of State:

AN ACT TO REQUIRE LEGISLATIVE APPROVAL OF ANY NUCLEAR FACILITY LICENSED UNDER THE MONTANA MAJOR FACILITY SITING ACT; DEFINING TERMS; REQUIRING ADDITIONAL CRITERIA FOR THE ISSUANCE OF A CERTIFICATE TO CONSTRUCT A NUCLEAR FACILITY; PROVIDING FOR PUBLICATION OF EVACUATION PLANS; AMENDING SECTION 70-804, REVISED CODES OF MONTANA 1947.

Be it enacted by the people of the state of Montana:

Section 1. There is a new section in the Montana Major Facility Siting Act, to be numbered 70-802.1, which reads as follows:

Findings as to nuclear safety. The people find and declare that substantial public concern exists concerning the effect of nuclear fission power plants and nuclear facilities on public health, safety, and welfare, including but not limited to, questions regarding:

(a) The reliability of the performance of the plants and related consequences in the areas of security, economics, health, safety and welfare;
(b) The reliability of the emergency safety systems for the plants and facilities;
(c) The security of the plants and facilities against the release of potentially harmful substances into the environment due to damage from accidents, earthquakes or other acts of God, theft, sabotage, and other events;
(d) The security of the systems of transportation, reprocessing and disposal or storage of fuel and wastes of the plants or facilities from theft, sabotage, accident, acts of God, or other events;
(e) The state of knowledge regarding ways to safely store or adequately dispose of the radioactive and chemically toxic waste products from the plants, related facilities and any other nuclear facilities;
(f) The effect of thermal emissions from the plants or facilities; and
(g) The propriety of the creation by one generation of potentially catastrophic hazards or burdens for future generations, including, but not limited to the radioactive and chemically toxic wastes from nuclear fission power plants and other nuclear facilities.

Section 2. There is a new section in the Montana Major Facility Siting Act, to be numbered 70-803.1, which reads as follows:

(1) Definition of nuclear facility—A nuclear facility is as defined in section 70-803, subsections (3)(a)(i) (when powered by nuclear fission) and (3)(a)(iv), and shall also include for the purposes of this chapter any plant or place which deals in any way with the storage, transportation, disposal, use, enrichment or reprocessing of radioactive materials.

(2) "Facility" as defined in section 70-803, is further defined to include any plant or place which is used for storage or disposal of radioactive wastes or fuels.

(3) Nuclear Facility as defined does not include (1) any small scale nuclear fission reactor used for educational purposes which does not produce commercial electrical energy, and (2) any nuclear materials used for materials—testing purposes, medical purposes, or educational purposes in a public or private school system, provided that these educational nuclear materials are not connected in any way with the nuclear energy fuel and waste cycle.

Section 3. Section 70-804 of the Montana Major Facility Siting Act is amended, by adding the underlined *matter [Italics used in this printing]*, to read as follows:

70-804. Certificate from board required prior to construction of facility—exemptions—*approval by legislature of certificate for nuclear facility.*

(1) A person may not commence to construct a facility in the state without first applying for and obtaining a certificate of environmental compatibility and public need issued with respect to the facility by the board. A facility, with respect to which a certificate is issued, may not thereafter be constructed, operated or maintained except in conformity with the certificate and any terms, conditions and modification contained therein. A certificate may only be issued pursuant to this chapter.

(2) A certificate may be transferred, subject to the approval of the department, to a person who agrees to comply with the terms, conditions and modifications contained therein.

(3) This chapter does not apply to *any aspect of* a facility over which an agency of the federal government has exclusive jurisdiction, *but applies to any unpreempted aspect of a facility over which an agency of the federal government has partial jurisdiction.*

(4) The Board may adopt reasonable rules establishing exemptions from this chapter for the relocation, reconstruction, or upgrading of a facility that would otherwise be covered by this chapter and that is unlikely to have a significant environmental impact by reason of length, size, location, available space or right of way, or construction methods.

(5) A certificate is not required under this chapter for a facility under diligent on-site physical construction or in operation on January 1, 1973.

(6) *If the board decides to issue a certificate to a nuclear facility, the board shall report such recommendation to the legislature and may not issue the certificate until the legislature by joint resolution approves such action.*

Section 4. There is a new section in the Montana Major Facility Siting Act, to be numbered 70-810.1, which reads as follows:

Additional Requirements for issuance of a certificate for the siting of a Nuclear Facility.

The board may not issue a certificate to construct a nuclear facility unless it finds that:

(a) Any limits imposed by the federal government on the liability of the owners and operators and/or manufacturers, sellers, or distributors of such plants or facilities for damage resulting from the existence or operation of the plants or facilities, have been removed and full compensation, either by law or by waiver, is assured, for personal injury, property damage or economic loss resulting from escape or diversion of radioactivity, radioactive materials, or chemically toxic materials resulting from the preparation, transportation, reprocessing, and storage or disposal of such materials associated with such plants or facilities;

(b) The effectiveness of all safety systems, including but not limited to the emergency core cooling system of such plants have been demonstrated, to the satisfaction of the board, by

comprehensive testing of substantially similar physical systems in actual operation; and

(c) The fuels, radioactive materials, radioactive wastes, and chemically toxic wastes of such plants and facilities can be stored, contained, or disposed of, with no reasonable chance, as determined by the board, of intentional or unintentional escape or diversion of such fuels, wastes, or radioactivity, into the natural environment in excess of standards set by proper authorities, due to imperfect storage technologies, earthquakes or other acts of God, theft, sabotage, acts of war, governmental or social instabilities, or whatever other causes the board may deem to be reasonably possible, at any time during which such fuel and/or waste is radioactive or chemically toxic.

Section 5. There is a new section in the Montana Major Facility Siting Act, to be numbered 70-820.1, which reads as follows:

After any certificate for a nuclear facility is issued the governor shall annually publish and set procedures for annual review of evacuation and emergency medical aid plans.

(a) The governor shall annually publish, publicize, and release to the news media and to the appropriate officials of affected communities, in a manner designed to inform residents of the affected communities, the entire evacuation plans specified in the licensing of each certified nuclear fission power plant or nuclear facility affecting this state. Copies of the plans shall be made available to the public upon request, at no more than the costs of reproduction.

(b) The governor shall establish procedures for annual review by state and local officials of established evacuation and emergency medical aid plans, with regard for, but not limited to such factors as the adequacy of such plans, changes in traffic patterns, population densities, schools, hospitals industrial developments, and other factors as requested by locally elected representatives.

Section 6. If any provision of this amendatory act, or its application to any person is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances, is not affected.

The manner in which the measure will be printed on the Official Ballot at the General Election, November 2, 1976, is as follows:

PROPOSED PETITION FOR INITIATIVE

INITIATIVE NO. 71

Attorney General's Explanatory Statement

This Act would amend the Montana Major Facilities Siting Act by banning nuclear power plants in Montana until Congress removes federal liability limits. If this action takes place then further conditions must be met, or the ban of nuclear facilities would remain in effect. Such conditions include the comprehensive testing of substantially similar physical nuclear systems in actual operation and technical findings by the Legislature and the Board of Natural Resources that there is no reasonable chance of radioactive materials being released into the environment because of imperfect storage, earthquakes, acts of God, sabotage, act of war, theft, etc.

AN ACT TO REQUIRE LEGISLATIVE APPROVAL OF ANY NUCLEAR FACILITY LICENSED UNDER THE MONTANA MAJOR FACILITY SITING ACT; DEFINING TERMS; REQUIRING ADDITIONAL CRITERIA FOR THE ISSUANCE OF A CERTIFICATE TO CONSTRUCT A NUCLEAR FACILITY; PROVIDING FOR PUBLICATION OF EVACUATION PLANS; AMENDING SECTION 70-804, REVISED CODES OF MONTANA 1947.

☐ For an act to ban nuclear power in Montana until the conditions specified in this measure are met.

☐ Against an act to ban nuclear power in Montana until the conditions specified in this measure are met.

ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

A YES vote on ballot issue # 71 is a vote in favor of public participation in decisions affecting the siting of nuclear electricity power plants in Montana. Ballot issue #71 is an amendment to the Major Facilities Siting Act. Under existing law public hearings would be held on any proposed nuclear power plant. However, existing law does not set safety standards for final decision-making. Ballot issue # 71 will establish the following standards to be met in the construction of any nuclear power generating facility:

1) Limits on insured liability, currently imposed by the federal government, must be removed. Full compensation for personal injury, property damage or economic loss resulting from a nuclear accident, such as escape of radioactivity or chemically poisonous material, must be provided.

Presently, there is a federally imposed limit on damage claims. As well, 80% of all claims up to the limit must be paid by our own tax dollars. Lifting this liability limit and requiring full insurance coverage will bring nuclear power within the rules of our free market economy and away from federal subsidy.

2) Safety systems must be demonstrated to work properly in actual operation. For example, an emergency core cooling system should be demonstrated under simulated conditions equalling the conditions that can be anticipated with the type of nuclear power plant proposed for Montana.

3) The waste and by-products of the nuclear facility must be stored or disposed of properly in accordance with standards set by responsible authorities, such as the Department of Health, with no reasonable chance of diversion or escape, so long as the material is radioactive or chemically toxic.

4) Each year the governor's office shall be responsible for assuring the publication of the evacuation plans that must be prepared under federal law for such a nuclear power plant. These evacuation plans would then be published in newspapers of circulation in the impact areas. Evacuation procedures must be coordinated with local officials.

The above safety considerations will be reviewed by the Board of Natural Resources and their decision referred to the State Legislature for approval. Should ballot issue # 71 pass, these safety standards will serve the energy industry by clarifying the proper steps to be taken. As there are no nuclear power plants in operation or under construction in Montana, the energy industry will have ample advance notice of the requirements. No existing jobs will be affected. The number of future jobs available may increase in order to assure compliance during construction, should any utility desire to build a nuclear facility in Montana. In the event that the safety standards cannot be met, the applicant utility is encouraged to seek solutions other than nuclear powered electricity generation.

Montanans for Safe Power support a YES vote on ballot issue # 71.

MONTANANS FOR SAFE POWER
S/ Edward M. Dobson
Co-chairperson

ARGUMENT ADVOCATING REJECTION OF THE MEASURE

1. Initiative No. 71 patterned closely after a California initiative that was rejected by a 2 to 1 vote last spring, purports to protect the safety and welfare of Montana citizens from any accidents and ill effects of nuclear power plants that might be proposed. But in actuality the passage of the initiative would result in a ban of nuclear power generation in the state:

The Board of Natural Resources, under provisions of the initiative, could not certify a nuclear facility unless all limitations on the liability of operators, manufacturers, or distributors for injury or damages are removed. The present maximum coverage under the Price-Anderson Act is $560 million, which will increase to over one billion dollars as additional nuclear facilities become operational. Since no catastrophe, however unlikely, is ever completely insurable, there is no likelihood that Congress, for the benefit of one state, will remove all limitations.

Under the initiative, the Board would have to be satisfied that the resulting radioactive wastes wherever they are stored by the federal government, would be safe for all time from a list of events that include acts of God, acts of war, earthquake, governmental or social instability. Since no board can be expected to foresee such occurrences in perpetuity, it could not reasonably commit itself to a certification that would require such omniscience.

A nuclear power plant, to be certified in Montana under the initiative, would require that in addition to the exhaustive examination of all components by the Nuclear Regulatory Commission, the Board would have to be satisfied that they had all been proven safe "in actual operation". This forces the Board to become expert enough in nuclear engineering as to be able to evaluate the testing program of the Energy Research and Development Agency which analyzes all safety systems and components by mathematical and model simulation as well as full-scale testing.

2. If the objective were actually safety and well-being instead of the prohibition of nuclear power in the state, the legislature through the Utility Siting Act followed by the Major Facilities Siting Act has already provided ample protection by requiring nuclear or any other power plants to be exhaustively analyzed for all possible impacts on the human, animal, and vegetative environment. To require in addition a vote of the legislature adds nothing to the safety of such plants—unless it can be presumed that the legislature will be more competent to evaluate their reliability than the Nuclear Regulatory Commission, the Board of Natural Resources, and the agencies charged with a two-year environmental study.

3. The state now has ample resources for foreseeable future power needs, and no nuclear power plants have been seriously proposed or planned by any combination of agencies capable of financing such a plant. But it would show little foresight at this time to deny the state the option of choosing one promising alternative for power generation if and when the need for such power arises.

S/ C. R. Draper
J. C. Weingartner
Vincent J. Bosh
Rodney K. Hanson
Riley W. Childers

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

The argument supporting this initiative states that decisions of the Board of Natural Resources concerning nuclear power plants will be "referred to the State Legislature for approval." But the decision to certify any major plant is an administrative function, already delegated to that Board, and further involvement by the Legislature in that decision-making process violates the principle of the separation of powers in our state government. Singling out one industry for legislative approval makes it obvious this initiative is aimed at denying the state nuclear power as an alternative.

The claim that this initiative allows for more or better public participation is simply not true. No additional public hearings or public inputs are provided for by the initiative. It merely inserts the Legislature into the process; and with biennial legislative sessions, the time lag between Board approval of a nuclear plant and legislative action could cause serious delays if the need for energy becomes critical.

The claim is made that no existing jobs would be affected by passage of this initiative designed to deny Montana the choice of nuclear power; and it is suggested vaguely that somehow there may be more jobs created because of more stringent regulations. The fact of the matter is that this bill would prohibit one kind of energy development—at a time when many of the 8 percent jobless workers in Montana see energy development and the jobs that accompany it as the only way out of a desperate econmic situation.

S/ C. R. Draper
J. C. Weingartner
Rodney K. Hanson
Vincent J. Bosh
Riley W. Childers

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING REJECTION OF THE MEASURE

By calling Initiative 71 a "ban" on nuclear electricity plants, opponents admit they cannot meet basic safety standards. Who would move to Livingston if Allenspur Dam were built but could not reasonably be guaranteed against breaking? Often we blame human mistakes on "acts of God." There is no room for "acts of God" with nuclear power.

Too often appointed boards ignore recommendations of their departments and favor special interests. It will be much harder for big corporations to influence 150 legislators than seven political appointees. Let the legislators, who must face us across the ballot box, vote.

Suppose they vote "no." Is that the end of economic progress? No, a large investment in energy conservation will make available *twice* as much "new" energy as will an equal investment in new power plants, and create more jobs. Sweden, having a *higher* average income per person than the United States, uses only half as much energy per person. Sweden saves energy in many ways, including harnessing one-third of the waste heat from power plants for commercial uses. We build more power plants farther from population centers (Colstrip, for example) and continue to harness none. Actually, we waste half of all energy we produce.

Recently, Seattle discarded plans to help build two nuclear power plants because they are too expensive. Seattle plans to make more low-cost power available to new users through conservation, the cheapest method . . . even cheaper than coal.

For safety, jobs, low utility rates, vote YES on 71.

MONTANANS FOR SAFE POWER
S/ Edward M. Dobson
Co-chairperson

INITIATIVE NO. 72

Attorney General's Explanatory Statement

The title of this proposed act is the "state funded homestead tax relief act". Under the act, the governor would request the legislature to appropriate funds to pay the taxes on the first $5,000 of the appraised value of each owner-occupied home. The homeowners tax liability would remain the same, with the state paying a portion of the tax. Voter approval of this act will not obligate the legislature to appropriate funds for this purpose.

The following is a copy of the title and text of the proposed Initiative as it appears in the Official files of the Secretary of State:

AN ACT TO PROVIDE PROPERTY TAX RELIEF FOR OWNER-OCCUPIED HOMESTEADS.

Be it enacted by the people of Montana:

Section 1. Short Title. This act shall be known as and may be referred to as the "state funded homestead tax relief act".

Section 2. Definitions: As used in this act unless the context requires otherwise (1) "Homestead" means a dwelling, or mobile home as defined in section 84-6601, R.C.M. 1947, together with adjacent land, sufficient and necessary for the maintenance of the property used as the principal place of abode of the owner when the property is owned by the occupant or under valid contract establishing equity or ownership by the occupant.

(2) "Total taxable value" means the taxable value of a homestead.

(3) "State share taxable value" means a taxable value equivalent to five thousand dollars ($5,000) of the appraised value of a homestead or the total taxable value of a homestead, whichever amount is lesser.

(4) "State supported mill levies" means all property tax levies which apply to habitable property except voted elementary and secondary school levies, the university 6 mill levy, voted levies for the retirement of bonded indebtedness and levies for special improvement districts or improvement district reserve funds which are not county wide or which are supported by a fee or charge rather than an ad valorem tax levy.

(5) "State share tax liability" means the state share taxable value for each homestead in each taxing jurisdiction times the state supported mill levies in that taxing jurisdiction.

(6) "Homestead owner's taxable value" means the total taxable value of the homestead less the state share taxable value.

Section 3. Homestead owner's tax liability. The tax liability of a homestead owner shall be computed by deducting the state share tax liability from the tax liability on the total taxable value. Each tax statement sent to the person in whose name the property is assessed shall set forth separately the total tax due, the state share tax liability and the homestead owner's tax liability and shall label the amounts as such.

Section 4. Duties of the department of revenue. (1) The department of revenue shall compute the state share tax liability according to this act and shall certify this amount by county.

(2) The department of revenue may adopt rules necessary for the administration of this act.

Section 5. Remission of state share to counties. (1) The governor shall include in the budget submitted to the legislature, a provision for funds to be made available to the department of revenue sufficient to remit the state share tax liability to each county.

(2) To the extent funds are provided by the legislature, the department of revenue shall remit the state share tax liability to the county treasurer of each county in two equal payments; the first no later than November 30 of each year and the second no later than the following May 31.

Section 6. Duties of the county treasurer. The county treasurer shall credit each expenditure account with the amount received from the department of revenue in accordance with the mill levy for that account no later than December 31 for the first payment and June 30 for the second payment.

Section 7. Effective date. This act shall become effective July 1, 1977.

FORM OF BALLOT

When this initiative is submitted to the qualified electors of Montana, there shall be printed on the ballot the full title and text of the initiative measure and the following words:

☐ For reduction of owner's property tax liability on owner-occupied residential property.

☐ Against reduction of owner's property tax liability on owner-occupied residential property."

The manner in which the measure will be printed on the Official Ballot at the General Election, November 2, 1976, is as follows:

PROPOSED PETITION FOR INITIATIVE

INITIATIVE NO. 72

Attorney General's Explanatory Statement

The title of this proposed act is the "state funded homestead tax relief act". Under the act, the governor would request the legislature to appropriate funds to pay the taxes on the first $5,000 of the appraised value of each owner-occupied home. The homeowners tax liability would remain the same, with the state paying a portion of the tax. Voter approval of this act will not obligate the legislature to appropriate funds for this purpose.

AN ACT TO PROVIDE PROPERTY TAX RELIEF FOR OWNER-OCCUPIED HOMESTEADS.

Be it enacted by the people of Montana:

Section 1. Short Title. This act shall be known as and may be referred to as the "state funded homestead tax relief act".

Section 2. Definitions: As used in this act unless the context requires otherwise (1) "Homestead" means a dwelling, or mobile home as defined in section 84-6601, R.C.M. 1947, together with adjacent land, sufficient and necessary for the maintenance of the property used as the principal place of abode of the owner when the property is owned by the occupant or under valid contract establishing equity or ownership by the occupant.

(2) "Total taxable value" means the taxable value of a homestead.

(3) "State share taxable value" means a taxable value equivalent to five thousand dollars ($5,000) of the appraised value of a homestead or the total taxable value of a homestead, whichever amount is lesser.

(4) "State supported mill levies" means all property tax levies which apply to habitable property except voted elementary and secondary school levies, the university 6 mill levy, voted levies for the retirement of bonded indebtedness and levies for special improvement districts or improvement district reserve funds which are not county wide or which are supported by a fee or charge rather than an ad valorem tax levy.

(5) "State share tax liability" means the state share taxable value for each homestead in each taxing jurisdiction times the state supported mill levies in that taxing jurisdiction.

(6) "Homestead owner's taxable value" means the total taxable value of the homestead less the state share taxable value.

Section 3. Homestead owner's tax liability. The tax liability of a homestead owner shall be computed by deducting the state share tax liability from the tax liability on the total taxable value. Each tax statement sent to the person in whose name the property is assessed shall set forth

separately the total tax due, the state share tax liability and the homestead owner's tax liability and shall label the amounts as such.

Section 4. Duties of the department of revenue. (1) The department of revenue shall compute the state share tax liability according to this act and shall certify this amount by county.

(2) The department of revenue may adopt rules necessary for the administration of this act.

Section 5. Remission of state share to counties. (1) The governor shall include in the budget submitted to the legislature, a provision for funds to be made available to the department of revenue sufficient to remit the state share tax liability to each county.

(2) To the extent funds are provided by the legislature, the department of revenue shall remit the state share tax liability to the county treasurer of each county in two equal payments; the first no later than November 30 of each year and the second no later than the following May 31.

Section 6. Duties of the county treasurer. The county treasurer shall credit each expenditure account with the amount received from the department of revenue in accordance with the mill levy for that account no later than December 31 for the first payment and June 30 for the second payment.

Section 7. Effective date. This act shall become effective July 1, 1977.

☐ For reduction of owner's property tax liability on owner-occupied residential property.

☐ Against reduction of owner's property tax liability on owner-occupied residential property.

ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

The Homeowners Property Tax Relief Initiative will, if approved by the voters, reduce the property taxes on each owner-occupied home in Montana by an average of $110 per year. Non-voted mill levies will not be applied to the first $5,000 appraised value of each owner-occupied home. The amount of property tax relief will vary somewhat throughout the state because non-voted mill levies are not uniform among counties. However, the average statewide reduction will be $110. A person will receive property tax relief only on the home they own and occupy.

There will be no loss of revenue to the counties as they will be reimbursed from the state general fund which currently has a surplus of approximately $50 million. The Governor's budget will request $14,000,000 a year from the 1977 Legislature to fund the proposal for the next biennium. All property tax statements on owner-occupied homes issued by the county assessor's after July 1, 1977 will reflect the $110 reduction in tax liability.

The property tax is the most regressive tax next to the sales tax. It is not based on an individual's ability to pay as is the case with income taxes. For example, when a person's income drops, so does his income tax, however, his property taxes will stay the same or may even increase. Thus, people on fixed incomes, senior citizens, working men and women and the temporarily unemployed bear an increasingly heavy burden when property taxes increase as they have done in recent years. Many people are literally being forced from their homes because they can no longer afford to pay their property taxes.

The Homeowners Property Tax Relief Initiative will provide relief to those citizens and all other people owning and living in their own home. Other taxes will not increase if the proposal is enacted because of the $50 million state general fund surplus, derived from the coal tax, investment of state funds and audits of out-of-state corporations. With proper fiscal management, the surplus will be maintained into the 1980's, providing a continuing source of funds to finance the Homeowners Property Tax Relief Initiative. Further, property tax relief will be distributed equitably because people owning expensive homes will receive the same dollar reduction in their property taxes as those owning less expensive homes.

CITIZENS FOR PROPERTY TAX RELIEF
S/ Emily Melton
Deputy Campaign Treasurer

ARGUMENT ADVOCATING REJECTION OF THE MEASURE

The "act to provide property tax relief for owner-occupied homesteads" should be voted down by the electors for a number of reasons.

1. This is not a tax reduction. The proposed rebates by the Montana Legislature would have to come from the State's primary source of revenue—the income tax. Although such rebates could come from the general fund surplus for a short period of time, thereafter they would have to come from some other source such as the income tax.

2. One third of Montana's households live in rented property. These people do not receive any tax rebates in spite of the fact that they pay property taxes indirectly as part of their rents. They would also be required to contribute, through the income tax, to the fund from which the rebates are paid. Renters would be doubly taxed.

3. Property tax relief is now available to homeowners who are senior citizens with relatively low incomes. This approach could be broadened without including the more affluent.

4. Initiative No. 72 could open up demands for property tax rebates from other major sources of property tax income. For instance, only one-fifth of all property taxes come from real estate and improvements in cities and towns. Property taxes on farm lands and improvements, livestock and machinery account for one-fourth of all property tax income. The property taxes paid on livestock alone have been equal to one-half of the total property taxes paid on real estate and improvements in cities and towns. This is the area that needs tax reform.

Montana badly needs a rational coherent system of property taxation. Initiative No. 72 is a piecemeal effort at reform which has built-in inequities and is not based on an individual's ability to pay. The mandate for tax reform should be placed on the Legislature. It can hold hearings, examine all aspects of the taxation problem and adopt a fair and equitable reform of the property tax system. A "No" vote on Initiative No. 72 will give our elected representatives a chance to do this.

S/ Vern Sletten
Jack Atkins
Linda Skaar
John R. Kline
R. E. Svare

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

The "Homeowners Property Tax Relief Initiative" will not, by itself, reduce property taxes on each owner-occupied home. Initiative No. 72 would not place an affirmative duty on the Legislature to fund this proposal. The Act merely provides "(t)o the extent funds are provided by the legislature" property tax relief will be forthcoming. If the Legislature refused to appropriate funds for this purpose, neither the Governor nor the taxpayers would have any legal recourse.

Proponents of Initiative No. 72 have stated that the Governor will request the Legislature to appropriate $14,000,000 per year over the next biennium to fund this measure. Where will this $14,000,000 per year come from? It will come from the taxpayers, all taxpayers, regardless of whether or not they are homeowners. Initiative No. 72 proposes to refund our tax dollars to a select minority; those persons who own and occupy "homesteads" even though all tax paying Montanans contributed to the State's general fund and its current surplus.

Due to ambiguities contained in the language of Initiative No. 72 there is no guarantee that the State's current $50 million dollar general fund surplus will survive even one year of payments. It is conceivable that a homeowner whose "homestead" has an appraised value of $41,670 would not pay any property taxes other than voted mill levies and the six mill university levy due to the interpretation that could be placed on the term "taxable value". A one-shot gratuity is not an equitable form of property tax relief.

S/ Vern Sletten
Jack Atkins
Mr. R. E. Svare
Ms. Linda Skaar
John R. Kline

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING REJECTION OF THE MEASURE

For the duration of the general fund surplus, the Homeowners Property Tax Initiative clearly will constitute a tax reduction. When the surplus is depleted, the burden will have shifted to other taxes levied by the state. State levied taxes such as the income tax, corporation license tax and coal tax are far more progressive than property taxes on homes.

Legislation to provide relief to renters is being prepared for introduction in the 45th Legislative Assembly and would, if enacted, become effective at the same time as Initiative 72. A previous attempt by the Judge administration to pass renter relief was defeated by the 1974 legislature.

By not relating the amount of relief provided to the value of the home, the Initiative guarantees that relatively less affluent citizens will receive greater benefits from the program. To say that middle income people, those on fixed incomes and the temporarily unemployed do not deserve relief is at least arbitrary.

The Initiative is based on the belief that a person should not be taxed on homes or any other necessity of life such as food. This is essentially the same basis for the administration's opposition to a sales tax.

Initiative 72 has been proposed because the legislature has not fulfilled its mandate to reform our tax structure. Two previous administration attempts to provide badly needed property tax relief were defeated in the Legislature. Initiative 72 is the people's chance to insure that progress is finally begun toward a fair and equitable property tax system.

CITIZENS FOR PROPERTY TAX RELIEF
S/ Emily Melton
Deputy Campaign Treasurer

INITIATIVE NO. 73

Attorney General's Explanatory Statement

This proposed act provides for the recall of any person holding public office, either elected or appointed. A officer could be recalled for any reason, regardless of a good faith attempt to perform his duties. A recall petition for state officers must contain ten percent (10%) of the voters in the last state general election; for county officers - fifteen percent (15%); and for city and town officers- twenty percent (20%). If the petitition is successful a recall election will be held for the officer involved. The act also has provisions for advisory recall and election of United States district judges.

The following is a copy of the title and text of the proposed Initiative as it appers in the Official files of the Secretary of State:

THE MONTANA RECALL AND ADVISORY RECALL ACT

BE IT ENACTED BY THE PEOPLE OF THE STATE OF MONTANA

Section 1. Short Title. This act shall be known and cited as the Montana Recall And Advisory Recall Act.

Section 2. Officers Subject To Recall. Every person holding a public office of the state or any of its political subdivisions either by election or appointment, is subject to recall from such office by the qualified electors of the state or political subdivision. Any reason causing the electorate dissatisfaction with a public official shall be sufficient grounds for recall, notwithstanding good faith attempts to perform the duties of his office.

Section 3. Method of Removal Cumulative. The recall is cumulative and additional too, rather than a substitute for, other methods for removal of public officers.

Section 4. Number of Electors Required For Recall Petition. A recall petition shall not name more than one officer to be recalled. Recall petitions for elected or appointed state officers shall contain the signatures of qualified electors equalling at least ten percent (10%) of the number of persons voting at the preceding state general election. Recall petitions for elected or appointed county officers shall contain the signatures of qualified electors equalling at least fifteen percent (15%) of the number of persons voting at the preceding county general election. Recall petitions for elected or appointed officers of cities, towns, or other political subdivisions of the state shall contain the signatures of qualified electors equalling at least twenty percent (20%) of the number of persons voting at the preceding general election for the city, town or other political subdivison.

Section 5. Circulation Of Recall Petitions—Limitations. No recall petition shall be filed against an officer until he has held office for two months.

No recall petition may be filed against an officer for whom a recall election has been held for a period of two years during his term of office, unless the state or political subdivision or subdivisions financing such recall election is first re-imbursed for all expenses of the preceding recall election.

Section 6. Filing of Recall Petitions. Recall petitions for elected officers shall be filed with the official who is provided by law to accept the declaration of nomination or petition for nomination for such office. Recall petitions for appointed state, county or city or town officers shall be filed with the secretary of state, county clerk or city or town clerk respectively. Recall petitions for appointed officers from other political subdivisions shall be filed with the county clerk if the boundaries of the political subdivisions lie wholely within one (1) county or otherwise with the secretary of state.

Section 7. Form of Recall Petition. The form of the recall petition shall be substantially as follows:

RECALL PETITION

To the Honorable _____,Secretary of State for the State of Montana (or name and office of other filing officer). We, the undersigned citizens and electors of the State of Montana (or name for appropriate political subdivision) respectfully demand that _____, holding the office _____, be recalled for the following reasons, to-wit: (Setting out the reasons in not more than 200 words). That a special election therefore be called; that we, each for himself, say, I have personally signed this petition; I am a qualified elector of the State of Montana (or name of appropriate political subdivision); my residence and post office address are correctly written after my name.

A recall petition shall contain a general statement of not more than two hundred (200) words stating the reason for recall. Such a statement is solely for information of the electors and set forth any reason causing the dissatisfaction with the public official and may be political rather than legal in nature.

Section 8. Form Of Circulation Sheets. The signatures on each petition shall be placed on sheets of paper known as "circulation sheets", substantially fourteen inches long and eight and one-half inches wide. Such circulation sheets shall be ruled with a horizontal line one and one-half inches from the top thereof. The space above such line shall remain blank and shall be for the purpose of binding. The circulation sheet shall be vertically divided into two columns. The first column shall be three and one-half inches in width, measured from the left edge of the sheet, and shall be for the purpose of containing the signatures. The second column shall encompass the remainder of the width of the sheet and shall be the space on which shall be placed the post office address of the signers, together with the street number, if the residence of a signer can be so designated, and the address of such signer shall be opposite his name on the same line.

At the top of each sheet, under the one and one-half inch margin, shall be printed the word "Warning", under which shall be printed in eight-point type, single leaded, the following:

Warning.

Any person signing any name other than his own to this petition or signing the same more than once for the same measure at one election or who is not, at the time of signing the same, a qualified elector of the state, is punishable by a fine not exceeding five hundred dollars ($500) or imprisonment in the penitentiary not exceeding two (2) years, or both such fine and imprisonment.

The petition, for purposes of circulation, may be divided into sections, each section to contain not more than twenty five circulation sheets. No section, however, shall be circulated for signatures unless it has attached to the front sheet thereof a certified petition copy. The sponsors shall set out in their application for petition copies the number of sections into which each petition is to be divided for circulation, and the number of circulation sheets which it is desired that each section shall contain, but there need be no uniformity as to the number of circulation sheets contained in each section.

Section 9. Forms Not Mandatory. The forms prescribed in this act are not mandatory, and if substantially followed, the petition shall be sufficient, notwithstanding clerical and merely technical errors.

Section 10. Who May Petition—False Signatures—Penalties. Every person who is a qualified elector of this state may sign a petition for recall of a state officer. Every person who is a qualified elector of a political subdivision of this state may sign a petition for recall of an officer of that political subdivision. Any person signing any name other than his own to any petition, or knowingly signing his name more than once for the recall, or who is not at the time of the signing the same a qualified elector or any officer or person knowingly and wilfully violating any provision of this section, shall be punished by a fine not to exceed Five Hundred Dollars ($500), or by imprisonment in the state penitentiary not to exceed Two (2) years, or by both.

Section 11. County Clerk To Verify Signatures. The county clerk in each county in which such a petition is signed shall compare the signatures of the electors in such county with registration signatures on file in such clerk's office, and, if satisfied the signatures are genuine, certify that fact to the official with whom the recall petition was filed, as follows:

State of Montana)
: ss.
County of)

To the Honorable _____, Secretary of State of the State of Montana (or name and title of other officer):

I, _____, Clerk in and for _____ County, do hereby certify that I have compared the signatures on _____ sheets (specifying number of sheets) of the petition for recall attached hereto, with the signatures of the registered voters as they appear upon the registration forms, books and records of my office, and from such information as I have been able to obtain I believe the signatures, numbering _____, are genuine. As to the remainder of the signatures thereon, I believe they are not genuine, except that the following names (_____) do not appear on the registration forms, books and records in my office.

_____ County Clerk

(Seal of Office)

By _____
Deputy Clerk

Every such certificate shall be prima facie evidence of the facts stated therein and of the qualifications of the registered voters whose signatures are certified, and the secretary of state, or other official receiving the recall petition shall consider and count only such signatures as are certified; provided, that the secretary of state, or city clerk or town clerk shall consider and county (sic) any remaining signatures of the registered voters which prove to be genuine shall be considered and counted if they are attested to in the manner and form as provided for initiative and referendum petitions.

The county clerk shall not retain any petition or any part of it for more than fifteen (15) days. At the expiration of such period the county clerk shall deliver the same to the person from whom it was received with such clerk's certification.

Section 12. Mandamus For Refusal To File—Injunction. If the secretary of state, county clerk, city or town clerk or other filing official refuses to accept and file any petition for recall with the proper number of signatures of qualified electors, any elector may within ten (10) days after such refusal apply to the district court for a writ of mandamus. If it is determined that the petition is sufficient, the district court shall order the petition to be filed with a certified copy of the Writ attached thereto, as of the date when it was originally offered for filing. On a showing that any filed petition is not sufficient, the court may enjoin certification, printing or recall election.

All such suits or appeals therefrom shall be advanced on the court docket and heard and decided by the court as expeditiously as possible. Any aggrieved party may file an appeal within ten (10) days after any adverse order or decision as provided by law.

Section 13. Resignation Of Official Proclamation Of Election. If the officer named in the petition for recall submits in writing such officer's resignation, it shall be accepted and become effective the day it is offered. The vacancy created by such resignation shall be filled as provided by law provided that the official named in the petition for recall shall not be appointed to fill such vacancy. If the officer named in the petition for recall refuses to resign or does not resign within five (5) days after the petition is filed, a special election shall be proclaimed unless the filing is within ninety (90) days of a general election, in which case the question shall be placed on the general election ballot. The proclamation of special election shall be made by the governor in the case of a state officer and by the board or official empowered by law to proclaim special elections for the political subdivision in the case of any officer of a political subdivision of the state.

Section 14. Notification To Officer—Statement of Justification. Upon filing the petition, the official with whom it is filed shall immediately give written notice to the officer named in the petition. The notice shall state that a recall petition has been filed, shall set forth the reasons contained therein and shall notify the officer named in the recall petition that he has the right to prepare and have printed on the ballot a statement containing not more than two hundred (200) words giving reasons why he should not be recalled. No such statement of justification shall be printed on the ballot unless it is delivered to the filing official within ten (10) days of the date notice is given.

Section 15. Notice Of A Recall Election Shall Be In The Following Form:

NOTICE OF RECALL ELECTION

Notice is hereby given pursuant to law that a recall election will be held on the _____ day of _____, 197___ for the purpose of voting upon the recall of _____.

DATED at _____, the _____ day of _____, 197___.

Section 16. Form Of Ballot. The ballot at such recall election shall be entitled "Recall Ballot" and shall set forth the statement contained in the recall petition stating the reasons for demanding the recall of such officer and the officer's statement of reasons why he should not be recalled. Following the statements shall be printed the following instructions to the voter. "To vote on the recall, mark a cross (X) in the square at the right of yes or no," and immediately thereunder the question "Shall _____ (naming the officer) be recalled", and immediately to the right of such question shall be printed the words "yes" and "no" not less than three-sixteenths (3/16) of an inch in height, and at the right of each word a square shall be printed on the ballot in which the voter may indicate such voter's preference.

Section 17. Officer To Remain In Office Until Results Declared—Filling Of Vacancy. The officer named in the recall petition for recall shall continue in office until the results of the special election are officially declared. If a majority of those voting on the question vote to remove the officer then the office shall become vacant and the vacancy filled as provided by law, provided that the officer recalled shall in no event be appointed to fill the vacancy.

Section 18. Conduct Of Special Elections. Special elections for recall shall be conducted and the results canvassed and certified in all respects as general elections, except as herein otherwise provided. The powers and duties conferred or imposed by law upon boards of election, registration officers, canvassing boards and other public officials who conduct general elections, are conferred and imposed upon similar officers conducting recall elections under the provisions of this article together with the penalties prescribed for the breach thereof.

Section 19. Expenses Of Election. Expenses of a recall election for a state officer shall be paid from the funds of the state, and expenses of a recall election for an officer of a political subdivision of the state shall be paid from the funds of such subdivision.

Section 20. Provisions Applicable To Members Of Congress. The provisions of this act relating to recall of state officers and recall elections are applicable to the recall of an United States senator or representative, except that only electors residing in a representative's congressional district shall be eligible to petition for his recall or vote at the recall election.

Section 21. Petition For Advisory Recall Of United States District Judge. When there is filed with the secretary of state a petition containing the signatures of qualified electors equalling five percent (5%) of the persons voting at the preceding state general election, requesting the resignation of a United States district judge for the district of Montana, the secretary of state, shall submit to the electors at the next ensuing general election, the question whether the elections request the resignation of the judge. The petition shall be in the form as hereinabove provided except that it will request the resignation of rather than demand the recall of the United States district judge. The petition shall contain a statement of not more than two hundred (200) words setting forth the reasons for the request. Upon filing of the petition, the judge against whom the petition is filed shall be immediately notified by the secretary of state of the filing, and there shall be printed upon the ballot the statement in petition, and, at the request of the judge, a statement by him of not more than two hundred (200) words in response to the request which may be a statement that the judge deems himself committed to resign dependent on the results of the election.

Section 22. Form Of Ballot—Advisory Election Of Successor. The form of the ballot shall be as provided in Section 16 except that the question presented shall be "shall(name of person) be - requested to resign from the office of United States District Judge, Yes . . . No . . . ". The registered voters shall vote by make a cross (X) in the space after the word "Yes" or "No." Immediately below and separate from the question shall be printed the words: "For United States District Judge (Recommended to the President for appointment)". and there shall then follow the names of candidates for the office as have been filed with the secretary of state not less than forty (40) days prior to the election by petiton of five percent (5%) of the electors.

Section 23. Certification Of Results. Within ten (10) days after certification of the results of the election, the secretary of state shall transmit the results to the judge named in the petition, and if the resignation is favored, to the President and Senate of the United States.

If a majority of the voters voting on the question have requested the resignation of the judge, and a vacancy occurs, the majority candidate for the office shall be deemed endorsed by the electors and recommended to the President and Senate of the United States for appointment and confirmation to fill the vacancy.

Section 24. Advisory Election For United States District Judge. When a vacancy occurs in the office of a United State district judge for the district of Montana, the electorate may, by advisory vote, endorse and recommend to the President and the Senate of the United States an appointee to fill the vacancy.

There shall be printed upon the ballot at the next primary, special or general election held through the State after the vacancy, the words: "For United States District Judge (recommendation to the President and Senate for appointment)", and below, the names of persons filed with the secretary of state by petition of not less than five percent (5%) of the electors not less than forty (40) days before the election. If congress will convene before the election at which the vote

can be taken, the governor shall, on petition of five percent (5%) of the electors, call a special election for such purpose to be held not less than thirty (30) days nor more than sixty (60) days after filing the petition.

Section 25. Severability And Construction. If any one or more articles, provision, section, subsection, clause, phrase or word of this act or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this part shall remain effective notwithstanding such unconstitionality. The people hereby declare that they would have passed this part, and each article, provision, section, subsection, sentence, clause phrase or word thereof, irrespective of the fact that any one or more article, provision, section, subsection, sentence, clause, phrase, or word be declared unconstitutional.

The manner in which the measure will be printed on the Official Ballot at the General Election, November 2, 1976 is as follows:

PROPOSED PETITION FOR INITIATIVE

INITIATIVE NO. 73

Attorney General's Explanatory Statement

This proposed act provides for the recall of any person holding public office, either elected or appointed. A officer could be recalled for any reason, regardless of a good faith attempt to perform his duties. A recall petition for state officers must contain ten percent (10%) of the voters in the last state general election; for county officers - fifteen percent (15%); and for city and town officers - twenty percent (20%). If the petition is successful a recall election will be held for the officer involved. The act also has provisions for advisory recall and election of United States district judges.

THE MONTANA RECALL AND ADVISORY RECALL ACT

☐ For the Recall and Advisory Recall Act.

☐ Against the Recall and Advisory Recall Act.

ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

The Montana Recall and Advisory Recall Act is designed to give back to the people the power of recall which was taken away by the enactment of the 1972 Montana Constitution. Because over 80% of our government is presently in the hands of appointed officials, this act also provides for the recall of appointed officials.

In our original form of government all government officials were meant to be responsible to the people. This responsible governmental system was changed by the introduction of vast bureaucracies made up of mostly appointed officials with no provisions for redress or recourse for the citizens. Hence the need for the right to recall appointed officials.

The recall law is an effort to put control of government back into the hands of the people by giving the citizens of Montana the authority to recall any government official from office if he fails to uphold the Constitution of the United States or ignores his fiduciary responsibility to the electorate.

The petition was officially signed by 16,510 people, although many more signatures were obtained but were disqualified because of various technicalities. This shows that many Montanans are convinced that such a law is necessary and badly needed to protect our state from the growth and ravages of unresponsive government.

PUBLISHERS MONTANA CITIZENS
S/ Fred O. Bell
Robert L. Lewis
Wyvverne Cranmore

ARGUMENT ADVOCATING REJECTION OF THE MEASURE

Recall, the procedure through which voters may remove an elected official, is an integral part of democracy. Properly implemented, recall is an effective tool for holding the people's representatives accountable. However, Initiative # 73 would fail to realize benefits traditionally associated with recall because it contains the following defects: (1) it indiscriminately applies to officials in all branches and at all levels of government; (2) it would make government unworkable by destroying lines of accountability between elected and appointed officials; and (3) its language is ambiguous, leaving many questions unanswered.

The initiative uses a shotgun approach when careful aim is required. It lumps together all kinds of officials, failing to recognize different qualifications and election procedures. Effective recall provisions would address separately the officials of each level and branch of government. For example, the proposed Montana local government code details recall procedures that apply only to municipal and county officials. Moreover, specific procedures for recalling members of Congress should take into account difference in length of terms between Senators (six years) and House members who already face election every two years. Furthermore, extending recall to the judiciary requires careful attention to the nature of the judicial process; recall as provided in Initiative # 73 could violate the judiciary's integrity and independence.

The initiative's most critical defect is inclusion of appointed officials. This approach lies completely outside the traditional scope of recall and would undermine effective governmental administration. First, the proposal fails to clarify who is an appointed public official, leaving open the possibility that any governmental employee (however ordinary his job) can be removed. Secondly, it would subject appointed officials to harassment and lead to timid rather than energetic government. Thirdly, recall of appointed officials undermines lines of accountability whereby governmental employees are disciplined by their superiors. If it is felt that certain appointed positions should be subject to direct popular control, then the proper step is to make those positions elective.

The initiative, through both ommission and ambiguity, leaves critical questions unanswered and renders recall unworkable. It is not clear where application begins or ends. Does it apply to the hundreds of school districts, special service districts and countless local government boards and commissions? How does it apply to the state judiciary? Would it apply to state highway patrolmen, game wardens, local police, and teachers?

An example of lack of clarity is the case of legislators, who are state officials elected from districts. There is no language in the initiative that specifies which voters are eligible to sign a recall petition or vote in a recall election for legislators. Ambiguous language would appear to allow voters in one legislative district to sign a recall petition and vote in a recall election for a legislator in another district.

Frequent recall elections stemming from the initiative's loose language thus would serve to expand bureaucratic procedures, increase election costs, and dilute the importance of regularly scheduled elections. Voters who desire an effective recall provision will not achieve it by passing this initiative.

S/ James J. Lopach
Patrick L. Paul
Lauren S. McKinsey
Lon J. Maxwell
Chet M. Blaylock

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

The intent of Initiative No. 73, to promote accountability of government officials,is laudable. Unfortunately, the proponents' arguments vest on a seriously erroneous assumption, that being that appointive officials should be subject to recall. If over eighty percent of government officials are appointed (and if this is the reason why they are not responsible to the people), then the answer is to make these positions elective in the first place. The 1889 Montana Constitution, regardless of the proponents erroneous implication, did not give the people the power of recall over appointive officials. Therefore, the 1972 Constitution did not take this power away, and this initiative would not restore a previously held right.

A proper recall measure would include specific provisions for specific elective offices. Elected officials who are directly accountable to the people would then exercise closer supervision over appointive bureaucratic positions. Recall is a time-honored tool of democratic government. But as provided in this measure, voters would not realize the benefits traditionally associated with recall.

S/ James J. Lopach
Lauren S. McKinsey
Lon J. Maxwell
Patrick L. Paul
Chet Blaylock

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING REJECTION OF THE MEASURE

Contrary to what those favoring rejection of Initiative # 73 may say, the initiative does realize all of the benefits associated with recall.

It does lump all elected and appointed officials recognizing that regardless of position held it is still the responsibility of officials elected or appointed to perform their duties exactly as presented by law.

The question was asked, "Would it apply to highway patrolmen, game wardens, local police and teachers?"

People who are not elected or APPOINTED but are hired have no fear of Initiative # 73.

They state that there is no language in the initiative that specifies which voters are eligible to sign a recall petition or vote in a recall election for legislators.

Page 2, Section 10 of the Recall Petition states that every person who is a qualified elector of this state may sign a petition for recall of a state officer. Every person who is a qualified elector of a political subdivision of this state may sign a petition for recall of an officer of that political subdivision. This seems to do away with any question on this matter.

In conclusion, it appears that those writing the argument advocating rejection of Initiative #73 have not thoroughly read the act. What these people seem to be trying to do is scare those persons hired by elected or appointed officials into believing that their jobs are at stake. On the contrary, their job positions would be strengthened by knowing that their superiors are accountable to the public for following the laws governing them.

PUBLISHERS MONTANA CITIZENS
S/ Bud Wallace, Sec., Treas.